

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION**

JOYCE SYKES FITCH, MARK MIXON,
SHERRYREED ROBINSON, *and* ADRIANA
BLAKEMAN, *individually and as elected
officers and members of* THE CONCERNED
CITIZENS OF TYRRELL COUNTY,

Plaintiffs,

v.

TYRRELL COUNTY, *a county existing under
the laws of the State of North Carolina,*

Defendant.

Case No.: 2:24-cv-00026-D-RN

ANSWER

Plaintiff, by and through counsel, hereby responds to Defendant's

Counterclaim as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. This paragraph does not include a factual narrative that can be admitted or denied.
7. Plaintiffs admit Defendant filed a Counterclaim seeking declaratory judgment concerning N.C.G.S. § 100-2.1's applicability to this case after the Court had ruled against Defendant on this issue.
8. Plaintiffs deny that N.C.G.S. § 100-2.1 applies to this case or prohibits the relief sought. The

Court has already decided Defendant's Counterclaim in the Motion to Dismiss, holding that N.C.G.S. § 100-2.1 does not prohibit Plaintiffs' requested relief. Fitch v. Tyrrell Cnty., No. 2:24-CV-26-D, 2025 WL 1334730, at *5 (E.D.N.C. May 7, 2025).

9. Plaintiffs Amended Complaint speaks for itself. To the extent this paragraph asserts anything not explicitly stated in Plaintiffs' Amended Complaint, Plaintiffs deny those assertions.
10. Denied. This issue has already been determined by this Court's Order entered on May 7, 2025.

Specifically, the Court's May 7, 2025, Order held

In opposition, Tyrrell County cites North Carolina State Conference of National Association for the Advancement of Colored People v. Alamance County, 293 N.C. App. 107, 900 S.E.2d 224 (2024). There, the North Carolina N.A.A.C.P. brought an equal protection challenge against the Alamance County Commission's decision to "not reloca[e]" a Confederate Civil War monument. Alamance Cnty., 293 N.C. App. at 113, 900 S.E.2d at 229. The North Carolina Court of Appeals held that a county commission had no power to relocate Confederate Civil War monuments under North Carolina's Monument Protection Law. See *id.* Here, plaintiffs challenge "Tyrrell County's public, textual expression of appreciation for 'Faithful Slaves' and nothing more." Am. Compl. ¶ 4. Alamance County does not bar Tyrrell County from covering or altering the "faithful slaves" engraving, which is plaintiffs' requested relief. Thus, Alamance County does not help Tyrrell County. Fitch v. Tyrrell Cnty., No. 2:24-CV-26-D, 2025 WL 1334730, at *4–5 (E.D.N.C. May 7, 2025) (emphasis added)

First Claim for Relief

Declaratory Judgment, N.C.G.S. § 100-2.1(a)

11. This paragraph does not include a factual narrative that can be admitted or denied.
12. Plaintiffs assert that N.C.G.S. § 100-2.1(a) speaks for itself. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Plaintiffs lack sufficient knowledge to admit or deny the information in this paragraph.

17. Denied.

18. Denied. The Court has already determined Plaintiff's relief is not barred by N.C.G.S. § 100-2.1 in its May 7, 2025, Order.

19. Denied.

Second Claim for Relief

Declaratory Judgment, N.C.G.S. § 100-2.1(b)

20. This paragraph does not include a factual narrative that can be admitted or denied.

21. Plaintiffs assert that N.C.G.S. § 100-2.1(a) speaks for itself. Denied.

22. Denied.

23. Plaintiffs admit the monument is located on public property.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied. This Court has already determined Plaintiff's relief is not barred by N.C.G.S. § 100-2.1 in its May 7, 2025, Order.

Plaintiff denies all allegations not expressly admitted, including Defendant's Prayer for Relief.

This, the 30th day of June, 2025.

Respectfully submitted,

/s/Ian Mance

Ian A. Mance

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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of June 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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